



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF C-S-&C-, LLC

DATE: FEB. 16, 2016

APPEAL OF TEXAS SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, which describes itself as a software and consulting services business, seeks to permanently employ the Beneficiary in the United States as a business analyst. The Petitioner requests classification of the Beneficiary as an advanced degree professional pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2). The petition was denied by the Director, Texas Service Center. The matter is currently before us on appeal. The appeal will be dismissed.

We issued a notice of intent to dismiss and request for evidence (NOID/RFE) on October 27, 2015, requesting evidence to establish that a *bona fide* job offer still existed, since it appeared that the Petitioner's business license in New Jersey was forfeited on November 16, 2007. The NOID/RFE also identified numerous issues that called the credibility of the petition into question. The Petitioner was provided the opportunity to explain these discrepancies. Finally, the NOID/RFE advised the Petitioner of its burden to establish its ability to pay not only the wage offered to this Beneficiary, but also the wages offered to any other beneficiaries for whom it had petitioned. The NOID/RFE solicited specific information regarding 31 other beneficiaries for whom petitions had been filed.

In our NOID/RFE, we specifically alerted the Petitioner that if it did not respond to the NOID/RFE we could not substantively adjudicate the appeal without the information requested and the appeal would be dismissed. The failure to submit requested evidence that precludes a material line of inquiry shall be grounds for denying the petition. *See* 8 C.F.R. § 103.2(b)(14).

As of the date of this decision, the Petitioner has not responded to our NOID/RFE. Because the Petitioner did not respond to the NOID/RFE, we are summarily dismissing the appeal as abandoned pursuant to 8 C.F.R. § 103.2(b)(13)(i).

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The Petitioner has not met that burden.

ORDER: The appeal is summarily dismissed as abandoned pursuant to 8 C.F.R. § 103.2(b)(13).

Cite as *Matter of C-S-&C-, LLC*, ID# 12740 (AAO Feb. 16, 2016)